

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1612 OF 2005

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Date: 05-09-2005

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Between:

Mohd.Zameer Nawaz ...Appellant

And

The Joint Collector and others ...Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1612 OF 2005

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J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

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Heard learned counsel for the parties.

The writ petitioner/appellant filed a writ petition challenging the show cause notice issued by the Mandal Revenue Officer. During the hearing, it came to light that when the writ petition was filed, the writ petitioner had already submitted his reply to the show cause notice and a final order had been passed on 26-09-2004. The final order was not challenged in the writ petition. Learned counsel for the writ petitioner submits that the order was never served on the petitioner. He has also not taken any steps to inform the Court that the order was not supplied to him, although in the counter-affidavit, it has been stated that final order had been passed and a copy of the order was also filed along with it. Therefore, the writ petitioner should have either

challenged the order after it was served on him or at least after it was produced before the Court or should have filed an appeal, which was available to him in law. He did neither. Hence, the learned Single Judge was right in dismissing the writ petition. However, in the interest of justice, we grant ten days time to the writ petitioner to file an appeal before the appellate authority. Any observations made by us or by the learned Single Judge shall not be taken as an expression of opinion by the appellate authority over the merits of the case. The appeal, if preferred by the writ petitioner, shall be disposed of by the appellate authority in accordance with merit and in accordance with law. Status quo obtaining as on today be maintained by the parties for a period of ten days.

The writ appeal is accordingly disposed of. No order as to costs.

(Bilal Nazki, ACJ)

5th September, 2005

(R.Subhash Reddy,J)

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